

Message Text

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64

ORIGIN INT-05

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FM SECSTATE WASHDC

TO AMEMBASSY YAOUNDE

UNCLAS STATE 225064

E.O. 11652:N/A

TAGS: SENV, TBIO, CM, US

SUBJECT: U. S. LAW RESTRICTING THE IMPORTATION OF

-- ASIATIC ELEPHANT IVORY

REFERENCE: YAOUNDE 2854

1. ON DECEMBER 23, 1973, THE UNITED STATES ENACTED INTO LAW THE ENDANGERED SPECIES ACT OF 1973. THIS ACT AUTHORIZED THE SECRETARY OF THE INTERIOR TO ESTABLISH A LIST OF WILDLIFE WHICH WAS CONSIDERED TO BE IN DANGER OF EXTINCTION. THE ACT PROHIBITED, AMONG OTHER ACTIVITIES, THE IMPORTATION, EXPORTATION, TRANSPORTATION IN INTERSTATE OR FOREIGN COMMERCE FOR COMMERCIAL PURPOSES AND THE SALE OR OFFER FOR SALE IN INTERSTATE OR FOREIGN COMMERCE OF ANY SPECIES OF WILDLIFE WHICH HAS BEEN SO LISTED BY THE SECRETARY OF THE INTERIOR AS ENDANGERED. ON JULY 4, 1976, PART 17, TITLE 50, CODE OF FEDERAL REGULATIONS WAS AMENDED TO ADD 159 SPECIES

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TO THE ENDANGERED SPECIES LIST. AMONG THESE WAS THE ASIATIC

ELEPHANT (ELEPHAS MAXIMUS). THEREFORE, EFFECTIVE THAT DATE, THE IMPORTATION OF ANY ASIATIC ELEPHANT OR ANY PART OR PRODUCT OF ASIATIC ELEPHANT, SUCH AS IVORY, IS PROHIBITED UNLESS THE IMPORTER HAS BEEN ISSUED A PERMIT BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

SUCH PERMITS MAY ONLY BE ISSUED FOR SCIENTIFIC PURPOSES OR FOR PURPOSES OF PROPAGATION OF THE SPECIES. THE ACT DOES PROVIDE, HOWEVER, THAT ANY FISH OR WILDLIFE HELD IN CAPTIVITY OR IN A CONTROLLED ENVIRONMENT ON DECEMBER 28, 1973, SHALL BE EXEMPT FROM ALL PROVISIONS OF THE ACT, PROVIDED THAT SUCH FISH OR WILDLIFE WAS NOT HELD IN THE COURSE OF A COMMERCIAL ACTIVITY. THE PROCEDURES FOR ESTABLISHING SUCH AN EXEMPTION FOR ANY FISH OR WILDLIFE OR PRODUCTS THEREOF ARE FOUND IN SECTION 17.4, TITLE 50, CODE OF FEDERAL REGULATIONS.

THE PROHIBITION AGAINST THE IMPORTATION OF IVORY INTO THE UNITED STATES APPLIES TO ALL IVORY DERIVED FROM THE ASIATIC ELEPHANT REGARDLESS OF THE COUNTRY OF ORIGIN OR THE COUNTRY OF EXPORT. THIS PROHIBITION, HOWEVER, DOES NOT APPLY TO IVORY DERIVED FROM THE AFRICAN ELEPHANT (LOXODONTA AFRICANA). THE UNITED STATES WILL ALLOW THE IMPORTATION OF AFRICAN ELEPHANT IVORY PROVIDED THAT THE GOVERNMENT OF THE COUNTRY OF EXPORT WILL CERTIFY THAT THE IVORY IS DERIVED FROM THE AFRICAN ELEPHANT (LOXODONTA AFRICANA). ANY IVORY IMPORTED INTO THE UNITED STATES WITHOUT SUCH CERTIFICATION WILL BE DETAINED AT THE PORT OF ENTRY UNTIL THE IMPORTER CAN ESTABLISH THE TRUE IDENTITY OF THE SPECIES OF ELEPHANT FROM WHICH THE IVORY IS DERIVED. THE UNITED STATES GOVERNMENT HAS NOT ISSUED ANY TEXT WHICH SUCH CERTIFICATION MUST CONTAIN. THIS WILL BE LEFT TO THE DISCRETION OF THE GOVERNMENT OF THE COUNTRY OF EXPORT PROVIDED THAT THE CERTIFICATION DOES STATE THAT THE IVORY WAS DERIVED FROM THE AFRICAN ELEPHANT.

2. OTHER INFO REQUESTED PARA ONE REFTEL WILL FOLLOW BY POUCH. KISSINGER

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